

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN LOFFREDO, et al.,

Plaintiffs,

v.

STATE STREET BANK AND TRUST COMPANY,  
et al.,

Case No. 10-14214

Honorable Julian Abele Cook, Jr.

Defendants.

ORDER

On December 13, 2010, the Defendants, State Street Bank and Trust Company (“State Street Bank”) and Cerberus Capital Management, L.P. (“Cerberus”) filed separate motions pursuant to Fed. R. Civ. P. 12(b)(6), seeking to obtain the dismissal of this civil action because of the Plaintiffs’ alleged failure to state a claim upon which relief can be granted. However, on January 31, 2011 (the date when their responsive briefs were due), the Plaintiffs, John Loffredo et al., submitted an ex parte motion which, if granted, would enable them to submit one opposition brief - in response to both dispositive motions - in excess of the twenty page limitation, as set forth in the Local Rules of this Court.<sup>1</sup> In support of their request for relief, the Plaintiffs asserted that (1) Cerberus had filed a twenty-eight page brief which raised multiple complex legal arguments; and (2) State Street Bank

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<sup>1</sup>E.D. Mich. LR 7(D)(3)(A) reads, in pertinent part, as follows: “The text of a brief supporting a motion . . . , including footnotes and signatures, may not exceed 20 pages. A person seeking to file a longer brief may apply *ex parte* in writing setting forth the reasons.”

had filed a seventeen page brief, incorporating many of Cerberus's arguments, in addition to some new issues. Moreover, the Plaintiffs submit that, despite their best efforts, they have been unable to consolidate their responses to all of these issues in fewer than thirty-three pages.

An examination of the record indicates that Cerberus was dismissed as a party litigant from this action on February 14, 2011. In light of this event, the Court will authorize the Plaintiffs a period of twenty (20) days from the date of this order in which to file their response - which must not exceed twenty five (25) pages in length - to the State Street Bank's motion to dismiss.

IT IS SO ORDERED.

Dated: March 3, 2011  
Detroit, Michigan

s/Julian Abele Cook, Jr.  
JULIAN ABELE COOK, JR.  
United States District Court Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on March 3, 2011.

s/ Kay Doaks  
Case Manager